

Serious Misconduct

Section 230.34 (1)(a), Wis. Stats., states: “An employee with permanent status in class or an employee who has served with the state as an assistant district attorney or an assistant state public defender for a continuous period of 12 months or more may be removed, suspended without pay, discharged, reduced in base pay, or demoted only for just cause. It is just cause to remove, suspend without pay, discharge, reduce the base pay of, or demote an employee for work performance or personal conduct that is inadequate, unsuitable or inferior, as determined by the appointing authority, but only after imposing progressive discipline that complies with the administrator’s standards under s. 230.04 (13m).

It is just cause to remove, suspend without pay, discharge, reduce the base pay of, or demote an employee without imposing progressive discipline for any of the following conduct:

1. While on duty, harassing a person.
2. While on duty, intentionally inflicting physical harm on another person.
3. While on duty, being intoxicated or under the influence of a controlled substance, as defined in s. 961.01 (4) or a controlled substance analog, as defined in s.961.01 (4m).
4. While on duty, being in possession of a controlled substance, as defined in s.961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m), without a prescription.
5. Falsifying records of the agency.
6. Theft of agency property or services with intent to deprive an agency of the property or services permanently, theft of currency of any value, felonious conduct connected with the employee's employment with the agency, or intentional or negligent conduct by an employee that causes substantial damage to agency property.
7. A conviction of an employee of a crime or other offense subject to civil forfeiture, while on or off duty, if the conviction makes it impossible for the employee to perform the duties that the employee performs for the agency.
8. Misuse or abuse of agency property, including the intentional use of the agency's equipment to download, view, solicit, seek, display, or distribute pornographic material.
9. A serious violation of the code of ethics established by the director under s. 19.45 (11)(a), as determined by the director.”

State of Wisconsin Work Rules

Work Rules are established by the State of Wisconsin, within its discretion, to regulate the personal conduct of all state employees while on the job. The State of Wisconsin enforces work rules outside of work hours when an employee's conduct is detrimental to the interests of the state as an employer. These rules are established so the State of Wisconsin can fulfill its objectives in an orderly and efficient manner.

Violation of any of the work rules may result in disciplinary action ranging from a suspension to discharge, depending on the seriousness and frequency of the infraction. In all cases, the State of Wisconsin considers discipline as corrective. Specifically, all employees of the State of Wisconsin are prohibited from committing any of the following acts:

1. Falsification of records, knowingly giving false information or knowingly permitting, encouraging or directing others to do so. Failing to provide truthful, accurate and complete information when required.
2. Failure to comply with written agency policies or procedures.
3. Disobedience, insubordination, inattentiveness, negligence, failure or refusal to carry out written or verbal assignments, directions, or instructions.
4. Failure to observe all health, safety and sanitation rules and practices, including failure to report accidents which involve injuries or damage to state equipment or property.
5. Failure to report promptly at the starting time or leaving the place of duty before the quitting time without proper authorization, or failure to promptly notify the proper authority of impending absences or tardiness.
6. Unexcused or excessive absenteeism or tardiness.
7. Misuse or abuse of leave benefits.
8. Failure to observe time limits for lunch or break periods.
9. Stealing, unauthorized use, neglect or destruction of government-owned or leased property, materials, equipment or supplies. Includes theft or intentional destruction of personal possessions of staff or others on government-owned or leased property.
10. Unauthorized use, abuse, or misuse of state or private property, materials, facilities and equipment including but not limited to copy machines, computers, mail services, telephone system, fax machine or other electronic media.
11. Unauthorized audio and video recording and photography on state property or while conducting state business.
12. Unauthorized access, disclosure, destruction or use of information or records that could be reasonably considered confidential.
13. Threatening or attempting to inflict, or inflicting bodily harm to or mental anguish to another person.
14. Intimidating, interfering with, harassing, demeaning, treating discourteously, or bullying; or using profane or abusive language in dealing with others.
15. Possession of a controlled substance or analog without a prescription while on duty; manifesting signs of having consumed alcohol, or illegal drugs; or reporting to work or working in an impaired condition so as to be unsafe to the employee, others, or physical property.
16. Engaging in unauthorized activities while on duty, including but not limited to gambling, operating a personal business, soliciting, playing games, horseplay or disorderly conduct or other disruptive or unsafe behavior.
17. Making false, inaccurate or malicious statements about another person or the employer.
18. Unauthorized possession, misuse or mishandling of weapons, ammunition or explosives.
19. Entering or permitting others to enter restricted areas without authorization, including unauthorized entry outside assigned work hours or unauthorized entry into restricted areas.
20. Failure to comply with or violating any rule, regulation or order of a professional licensing agency when the license or certification is related to the employee's position.
21. Failure to comply with the provisions of the state code of ethics.
22. Unclean, unkempt, inappropriate dress or grooming which adversely affects proper performance of duties or the image of the employer.
23. Failure to submit to the inspection of items taken from or into work premises.
24. Unauthorized possession, lending, borrowing, destruction or duplicating of keys, access cards, passwords, or other security or access devices.
25. Engaging in any outside activities (including violations or convictions of criminal or other laws) which may impair the employee's independence of judgment or impair the employee's ability to perform his/her duties as an employee of the state.